

REGULAR MONTHLY MEETING OF THE STEPHENS CITY TOWN COUNCIL
TUESDAY, January 5, 2010
7:30 p.m.

Mayor Ray Ewing called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.

Council member Fravel gave the invocation.

Roll call showed the following present:

Vice Mayor Joy Shull, Council member Linden A. Fravel, Jr., Council member Michael Grim, Council member James Harter, Council member Joseph Hollis.

Absent: Council member Ronald Bowers

Staff present: Mike Kehoe, Town Manager; Brian Henshaw, Town Planner; David Griffin, Town Attorney; Charles Bockey, Chief of Police; Office Christopher Smedley, Stephens City Police Department; Kim Uttenweiler, Town Treasurer; Dianne MacMillan, Town Clerk; Tim Stowe, Town Engineer

Press: Rebecca Layne, Winchester Star

AGENDA

Council member Fravel moved that the Agenda be adopted as presented and the motion passed.

PUBLIC COMMENTS

The Mayor opened the floor for public comment. There being none, the public comment period was closed.

PUBLIC HEARING

Town Code Chapter 22, Article II, Division 3, Section 22-111 – Water Availability Fees

Mayor Ewing read the public hearing topic and asked Tim Stowe, Town Engineer for information regarding the proposed increase in availability fees. Mr. Stowe explained that the Water/Sewer Committee met and discussed the proposed increase at length. He stated that this was a recommendation for an adjustment in availability fees for water. Mr. Stowe said the comparison report showed the value of the system and compared where the proposed fee falls relative to some of the other communities in the area. He said he would answer any questions. The Mayor opened the Public Hearing and asked for comments for or against the proposed ordinance amendment. There being no response, the Mayor closed the Public Hearing.

MINUTES – December 1, 2009 Regular Meeting

Council member Grim moved for approval of the minutes of December 1, 2009 as presented and the motion carried with the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye	Nays - None
Council member Grim	-	Aye	
Council member Harter	-	Aye	
Council member Hollis	-	Aye	
Abstain – Council member Fravel			
Absent – Council member Bowers			

TREASURERS REPORT – Kim Uttenweiler

The Mayor asked for questions or comments regarding the treasurer's report. Council member Fravel asked about the second page showing "doubtful accounts". Town Treasurer Kim Uttenweiler explained that these were tax bills that she believed could never be collected. Council member Hollis asked if tax collections were going well and she said quite well. He noted that the cash balance was up. Ms. Uttenweiler said the next project would be looking at Town decals. The Treasurer's report was accepted as presented.

POLICE REPORT – Charles Bockey, Chief

Chief Bockey reported that the breakdown of calls compared 2008 to 2009 and Council could see that calls doubled without counting calls taken by Frederick County. He added that the Police Department had been busy and with one less officer, Officer Simmers having retired, it would be harder pressed.

Chief Bockey said he had overlooked reporting since back in July 2009 that he received a letter from the American Towmen, a national organization recognizing tow companies throughout the nation asking for nominations. He said he nominated Clem's Garage as they had been there for the police department when needed and provided exceptional service. He said Clem's Garage had been accepted into the organization and Dennis Clem expressed his appreciations for the nomination. He said Mr. Clem had attended a recent meeting and dinner where he was recognized as a new member.

Chief Bockey introduced Office Chris Smedley who had been with the Town over a year and prior to that served on a part time basis with the Town bringing ten years experience in law enforcement to the town. Office Smedley was welcomed by all those present.

ACTION AGENDA

A. Resolution in Support of Continued State Aid to Police Department Localities – 599 Program Funds

Mayor Ewing said the resolution was a result of the Governor and Legislators in Richmond looking to make cuts in the budget. The resolution was requesting that the State continue the 599 Program Funds in accordance with current law.

Council member Hollis moved to adopt the resolution. Mayor Ewing asked for any discussion. Mr. Kehoe stated that this program was the primary state aid to localities since other programs had already been cut. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye	Nays - None
Council member Fravel	-	Aye	
Council member Grim	-	Aye	
Council member Harter	-	Aye	
Council member Hollis	-	Aye	

Abstain – None

Absent – Council member Bowers

Council member Hollis recommended on suggestion of Counsel that the legislators be advised in the cover letter that the police calls have doubled since last year.

RESOLUTION

To Support Continued State Aid to Localities with Police Department 599 Program Funds

WHEREAS, the Commonwealth of Virginia is considering reducing or deleting 599 Program funds in the upcoming fiscal year to reflect the downward projection of revenues; and,

WHEREAS, Section 9.1-169 and 9.1-170 of the Code of Virginia determines the formula for distribution of these funds; and

WHEREAS, it is suggested that the General Assembly and the Governor comply with this statute in this regard; and

NOW, THEREFORE BE IT RESOLVED, that reduction or deletion to the 599 Program greatly impacts the Town of Stephens City as allocations derived from this program are used to maintain our basic police services; and

BE IT FURTHER RESOLVED, that the Stephens City Town Council directed the Town Clerk to mail a true copy of the approved Resolution to State Senator Jill Holtzman Vogel and State Delegate Clifford L. Athey.

Adopted: January 5, 2010

Ray E. Ewing, Mayor

Attest: _____
Dianne L. MacMillan, CMC
Town Clerk

B. Adoption of Personnel Policy Revisions

The Mayor asked the Chairman of the Personnel Committee, Council member Harter to present the revisions. Council member Harter advised that the Council had the revisions to review which addressed sexual harassment, what constituted full time and regular employees, and holidays and the Committee recommended approval if all members had reviewed the change.

Council member Harter moved that the Town Council adopt the revisions to the Personnel Policy (copy attached). Council member Grim asked for clarification of the holidays. He said he understood that the Town would recognize Virginia State holidays only and the listing in the policy was confusing. The listing of holidays would be deleted and it was noted that the holidays would be at the governor's discretion. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye	Nays - None
Council member Fravel	-	Aye	
Council member Grim	-	Aye	
Council member Harter	-	Aye	
Council member Hollis	-	Aye	

Abstain – None

Absent – Council member Bowers

C. Authorization for Town Manager to Sign Contract with Land Planning and Design Associates – N. Main Street Sidewalk and Corridor Enhancement Project

Mayor Ewing asked Mr. Henshaw for background on the request. Mr. Henshaw said it was a housekeeping issue. He said Council approved the use of LPDA for the North Main Street sidewalk and corridor enhancement project. The Town was required to go through a pre-award audit process with VDOT and VDOT had now approved the audit and the project was a go. He said all that was need was for Council to authorize the Town Manager to sign the contract. He added that LPDA was ready to move aggressively to get the project done but past experience with enhancement grants proved that they do not move as quickly as wanted.

Vice Mayor Shull moved to authorize the Town Manager to sign the contract with Land Planning and Design Associates for the North Main Street enhancement project planning stage.

Council member Grim noted that when Council agreed to go ahead with the project, questions about dollar amount were not available and Mr. Henshaw was to bring monetary estimates back to Council. Mr. Henshaw said the final contract amount was just under \$98,000.00 less than the original quote because the Town was ahead of schedule with getting enhancement grants. Council member Grim asked if the estimate was below \$98,000.00, was there any guarantee on deviation. The Town Manager noted that the Town's share of that would be 20% or less than \$20,000.00. Mr. Henshaw added that the amount would leave the Town to

provide funds for start-up construction costs. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye	Nays - None
Council member Fravel	-	Aye	
Council member Grim	-	Aye	
Council member Harter	-	Aye	
Council member Hollis	-	Aye	

Abstain – None

Absent – Council member Bowers

COMMITTEE REPORTS

A. Administrative Committee – Joseph Hollis, Chair

Council member Hollis had no report from the Administrative Committee.

B. Finance Committee – Joseph Hollis, Chair

Council member Hollis reported that the Finance Committee did not meet but had only a housekeeping issue to address. He said the Committee recommended a transfer from some line items in the utility fund to another line item which was only a reallocation of approved budget line items.

Council member Hollis moved to transfer \$155,300.00 meant for sewer repairs from the CIP to I&I repairs for sewer rehabilitation and another line item identified as transfer to reserves in the amount of \$4700.00 to I&I rehabilitation for a total of \$160,000.00 to I&I repairs/rehabilitation. He said these were within the utility fund and would cover the cost of planning and design of the rehabilitation of existing sewer lines. The motion was passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye	Nays - None
Council member Fravel	-	Aye	
Council member Grim	-	Aye	
Council member Harter	-	Aye	
Council member Hollis	-	Aye	

Abstain – None

Absent – Council member Bowers

C. Water/Sewer Committee – Joy Shull, Chair

Vice Mayor Shull said her issue was addressed by the finance committee. She reported that the committee had met with the Town Manager, the Town Engineer and the Mayor to discuss what funds were available for the proposed water/sewer projects and the funding was now provided.

D. Personnel Committee – James Harter, Chair

Council member Harter reported nothing further for Council to address.

E. Parks and Recreation Commission – Ronald Bowers, Chair

No report

PLANNER'S REPORT – Brian Henshaw

Mr. Henshaw reported that the Planning Commission approved the Bluestone Office and Industrial Park Site Plan on the southern end of Town according to town code. He stated that the Commissioners also heard a preliminary presentation on a Special Use Permit for New Beginnings Community Church to be located on North Main Street.

He reported that the Town was eager to get going on the North Main Street project.

Mr. Henshaw reported that on December 9 the Stormwater Conservation Board approved the Stormwater Management Permit Regulations which will require all jurisdictions in the state to create a stormwater management program. He said that the Town already had a draft ordinance and would need to review the draft to assure that it meets the regulations. He added that the Town had time for the review but suggested the review process be started. Tim Stowe, Town Engineer suggested that the Town proceeded with the draft ordinance to the point where it would be ready to call in development partners of the town to get input prior to public hearing. Mr. Henshaw said he did send draft copies of the ordinance out via email but it would be appropriate to understand the new regulations and tweak the ordinance prior to getting further input. Council member Grim asked that the Public Works Committee be given the regulations for review with the ordinance.

TOWN MANAGERS REPORT

1. Mr. Kehoe reported that the snow operations went well during the eighteen inch snowfall and the Town received no complaints. Vice Mayor Shull asked how long residents have to remove snow from sidewalks and Mr. Kehoe replied that it was six hours after the snow stops or by noon the next day if snowfall ends at night. She said there were some sidewalks that were not cleared. Mr. Kehoe said there were some locations that were not shoveled but that could have been because of the snow being pushed back onto the sidewalks. He said the Town would do a better job in the next snow. Vice Mayor Shull added that the sidewalks in question were not the town's responsibility.
2. He also reported that the Town had not suffered problems with water lines breaking because of the cold weather. He added that it could happen if the cold kept up.
3. Mr. Kehoe reported that the Town was picking up Christmas trees in the next two weeks and hoped to remove the Christmas decorations in the coming week. He said this task was held up by weather and equipment breakdowns.

4. Mr. Kehoe reported that the Town was still awaiting the go ahead from VDOT to place the old school window rehabilitation project out to bid. He stated that this had been delayed for months by VDOT administrators in Staunton. He said VDOT had the request for six months and the town may have to talk to its delegates to move this along. He stated that VDOT should release the project so the town can get a good price to begin the project in the spring.

COUNCIL COMMENTS/CALENDAR

Mayor Ewing said the calendar would stand as scheduled unless the members were advised otherwise.

There being no further business, Council member Grim moved to adjourn at 7:56 p.m. and the motion carried.

Ray E. Ewing, Mayor Ray Ewing

Diane L. MacMillan, CMC, Town Clerk